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14 PHILIP MORRIS USA INC.

15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA

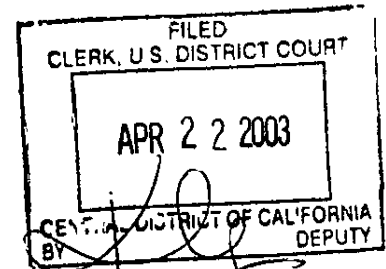
17 PHILIP MORRIS USA INC.,

18 Plaintiff,

19 v.

20 AGUI MARKET, an unknown business  
21 entity; LARRY KAN, individually and doing  
22 business as ANDY'S DONUTS; JOSE  
23 RAFAEL ARGUETA, individually and  
24 doing business as ARBY LIQUOR;  
25 NORMAN DIAZ, individually and doing  
26 business as AVALON MARKET; ROTH  
27 CHEY, individually and doing business as  
28 BARGAIN LIQUOR; 99 BEST STORE, an  
unknown business entity; UKA'S BIG  
SAVER FOODS, INC., a California  
corporation doing business as BIG SAVER  
MARKET; CHUNG KIM, individually and  
doing business as BUY & SAVE;  
RAGOVERTO CASTELLANOS,  
individually and doing business as  
CALIFORNIA DONUTS; CARLOS  
MARKET, an unknown business entity;

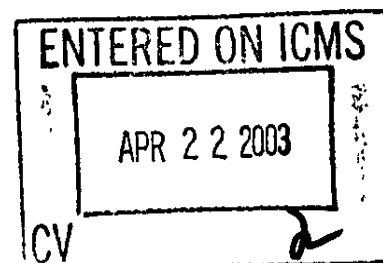
ORIGINAL



CV 03-2798 ER SHSX  
Case No.:

COMPLAINT FOR:

- (i) LANHAM ACT -- § 32 (15 U.S.C. § 1114);
- (ii) LANHAM ACT -- § 43(a) (15 U.S.C. § 1125 (a));
- (iii) COMMON LAW UNFAIR COMPETITION AND TRADEMARK INFRINGEMENT; and
- (iv) CAL. BUS. & PROF. CODE §§ 17200 *et seq.*



1 CARNICERIA LOS TAPATIOS, INC., a  
 2 California corporation doing business as  
 3 CARNICERIA LOS TAPATIOS #2; LUIS  
 4 GONZALES, individually and doing  
 5 business as CARNICERIA SAN GABRIEL;  
 6 JOEL ALFONSO ESTRELLAMARTINEZ,  
 7 individually and doing business as CASA  
 8 DEL PUEBLO; KYUNG SUK KIM,  
 9 individually and doing business as  
 10 CECILIAS MARKET; MOON KAP KIM,  
 11 individually and doing business as  
 12 CECILIAS MARKET; JUAN GABRIEL  
 13 PENA, individually and doing business as  
 14 CHAPILANDIA MARKET; ANN PENA,  
 15 individually and doing business as  
 16 CHAPILANDIA MARKET; CASTILLON  
 17 PENA, individually and doing business as  
 18 CHAPILANDIA MARKET; HELEN  
 19 CHAN, individually and doing business as  
 20 CHIN'S MARKET; PAUL CHAN,  
 21 individually and doing business as CHIN'S  
 22 MARKET; CISCOI MARKET, an unknown  
 23 business entity; IBRAHIM MATTA,  
 24 individually and doing business as  
 25 CLEANER TIME EXPORT; CORNER  
 26 MARKET, an unknown business entity;  
 27 YOUNG HWANG, individually and doing  
 28 business as CYPRESS DRIVE IN DAIRY;  
 DANNYS DONUTS, an unknown business  
 entity; DISCOUNT MINI MARKET, an  
 unknown business entity; JAMES JUN,  
 individually and doing business as DONUT  
 INN; SENG HANG QUACH, individually  
 and doing business as DONUT KING;  
 DONUT SHOP, an unknown business entity;  
 DONUT SHOP, an unknown business entity;  
 DONUTS & WATER STORE, an unknown  
 business entity; KEON KIM, individually  
 and doing business as DOWNTOWN  
 MARKET; HYUN SOOK KIM, individually  
 and doing business as DOWNTOWN  
 MARKET; YOUNG JU LEE, individually  
 and doing business as ECHO FOOD  
 MARKET; ANA GLORIA PORTILLO,  
 individually and doing business as EL  
 PORVENIR BAKERY; CARLOS  
 GONZALEZ, individually and doing  
 business as EL PRINCIPIO MARKET #2;  
 YASER SHALABI, individually and doing  
 business as EL RANCHITO MARKET; EL  
 TAPATIO MARKETS, INC., a California  
 corporation doing business as EL TAPATIO  
 MARKETS; JUANA CERVANTES,  
 individually and doing business as ELVAS  
 MARKET; HARRY FISHER, individually

1 and doing business as EL WIN MARKET;  
 2 SAEED HAKIMAN, individually and doing  
 3 business as EMILIOS DISCOUNT;  
 4 MIGDALIA ACOSTA, individually and  
 5 doing business as ENSENADA MARKET &  
 6 BAKERY; MAU DANG, individually and  
 7 doing business as EVERYDAY  
 8 SWAPMEET PRICE; NAM DANG,  
 9 individually and doing business as  
 10 EVERYDAY SWAPMEET PRICE;  
 11 MARIO ORLANDO, individually and doing  
 12 business as EXPO MINI MARKET;  
 13 MANUEL ESCOBEDO, individually and  
 14 doing business as FAMILY MARKET;  
 15 JERRY YADEGARI, individually and doing  
 16 business as FIESTA DISCOUNT; FIESTA  
 17 MEXICANA MARKET LIMITED  
 18 PARTNERSHIP, a limited partnership doing  
 19 business as FIESTA FOOD WHOLESALE;  
 20 GARCIA'S MINI-MARKET, an unknown  
 21 business entity; GARFIELD LIQUOR  
 22 STORE, an unknown business entity; YEO  
 23 YUP CHANG, individually and doing  
 24 business as GARY'S LIQUOR STORE;  
 25 CHRISTY KONG, individually and doing  
 26 business as GOLDEN DONUTS AND  
 27 CROISSANTS; CHAI FA CHAO,  
 28 individually and doing business as  
 GRANNY'S DONUT; JORGE SANCHEZ,  
 individually and doing business as  
 GUADALAJARA MEAT MARKET;  
 ROBERTO CRUZ, individually and doing  
 business as GUADALAJARA MEAT  
 MARKET; JACK CHANG, individually and  
 doing business as GUERRERO MARKET;  
 GUMBO DISCOUNT SUPER MARK, an  
 unknown business entity; JULIETTE F.  
 COTA, individually and doing business as H  
 & H LIQUOR; HOLLYFOOD MART, an  
 unknown business entity; JAE'S MARKET,  
 an unknown business entity; OSCAR  
 GONZALEZ, individually and doing  
 business as JEANETES MINI MARKET;  
 HAN J. YOO, individually and doing  
 business as JEMPS BURGER; GHASSAN  
 FOUAD SALIBA, individually and doing  
 business as JK LIQUOR STORE; SOUTH  
 A YAI, individually and doing business as  
 JOHN'S DONUTS & ICE CREAM; SE  
 HENG, individually and doing business as  
 JUBILEE DONUTS; CHHUN SENG,  
 individually and doing business as K&C  
 DONUT; MARKET PRODUCE FOR  
 LESS, INC., a California corporation doing  
 business as KIM AND CHUNG MARKET;

1 BERTHA LETICIA REYNAGA,  
 individually and doing business as K'S  
 2 MARKET; OCTAVIO HERNANDEZ,  
 individually and doing business as LA  
 3 MEAT MARKET; LA BARATITA, an  
 unknown business entity; SUPER  
 4 CARNICERIA LA CHIQUITA MAIN INC.,  
 a California corporation doing business as  
 5 LA CHIQUITA; JONG TAE LEE,  
 individually and doing business as LA  
 6 FIESTA MARKET; LA FONOMICA  
 CARNICERIA, an unknown business entity;  
 7 LA PRINCESITA MARKET, an unknown  
 business entity; LANZA BROS MARKET,  
 8 an unknown business entity; ANTONIO  
 BIBAROS, individually and doing business  
 9 as LILY MARKET; DHO ENTERPRISES,  
 a California corporation doing business as  
 10 LIQUOR STORE; LUIS ALFONSO  
 ESQUEDA, individually and doing business  
 11 as LORIS MARKET; YAMINA  
 ESQUEDA, individually and doing business  
 12 as LORIS MARKET; NADIA HAMIDEH,  
 individually and doing business as LOS  
 13 AMIGOS MARKET; WILLIAM  
 UMUKORO, individually and doing  
 14 business as LOS AMIGOS MARKET;  
 ADOLFO OCHOA, individually and doing  
 15 business as LOS TRES GALLOS;  
 GUADALUPE OCHOA, individually and  
 16 doing business as LOS TRES GALLOS;  
 AMY PINA KIM, individually and doing  
 17 business as LOUIES JR MARKET; JAVIER  
 PINA, individually and doing business as  
 18 LUPITA'S MINI MARKET; HOSSEIN  
 GHASSEMI BAKHT, individually and  
 19 doing business as MALERY; FERNANDO  
 C. GEUERRERO, individually and doing  
 20 business as MARKET NUEVO MUNDO;  
 MARIA ESCOBAR, individually and doing  
 21 business as MARYS 99 CENTS STORE;  
 YAN DENG, individually and doing  
 22 business as MAY-VERN LIQUOR;  
 WENJIN LI, individually and doing business  
 23 as MAY-VERN LIQUOR; BUK NAM  
 PARK, individually and doing business as  
 24 MEADOW MAID MART; ABUL  
 IBRAHIM, individually and doing business  
 25 as MELVINE GROCERY MARKET;  
 MENDOZA PRODUCE TRUCK, an  
 26 unknown business entity; SUNG LEE,  
 individually and doing business as  
 27 MERCADO CENTRAL; DANNY KIM,  
 individually and doing business as  
 28 MERCADO DE PUEBLO MARKET;

1 MARTHA ALICA GARCIA, individually  
 and doing business as MERCADO  
 2 JALISCO; ENRIQUE CORDOVA  
 GARCIA, individually and doing business as  
 3 MERCADO JALISCO; METRO STATION,  
 an unknown business entity; MARTA  
 4 MOLINA, individually and doing business  
 as MIGUELITO'S PARTY SUPPLY GIFT;  
 5 ASHFAQ AHMAD SHEIKH, individually  
 and doing business as MILKMAN  
 6 MARKET; EMILIA MERAZ, individually  
 and doing business as MINI MARKET;  
 7 MILA CHIN, individually and doing  
 business as MODERN FOOD MARKET;  
 8 MUJIBUR RAHMAN, individually and  
 doing business as MOKTA MINI  
 9 MARKET; SAMAN  
 PENJARAENWATAN, individually and  
 10 doing business as NEW YORK DONUTS;  
 RUPINDERJIT KAUER, individually and  
 11 doing business as OCCIDENTAL LIQUOR  
 STORE; BALJINDER MULTANI,  
 12 individually and doing business as  
 OCCIDENTAL LIQUOR STORE;  
 13 JOGINDER SINGH, individually and doing  
 business as OCCIDENTAL LIQUOR  
 14 STORE; SALVADOR GUZMAN,  
 individually and doing business as  
 15 ORLANDO MARKET; BAO NGUYEN,  
 individually and doing business as PHILIP  
 16 CIGARETTES; BUON TA, individually and  
 doing business as PK DONUTS AND ICE  
 17 CREAM; LOUISA DIAB FAOUR,  
 individually and doing business as PLAZA  
 18 LIQUOR; SHACK P. MAH, individually  
 and doing business as PM LIQUOR  
 19 MARKET; YUET SAU MAH, individually  
 and doing business as PM LIQUOR  
 20 MARKET; PRICE SAVER GAS, an  
 unknown business entity; DANIEL CHO,  
 21 individually and doing business as  
 RAMONA DONUTS; JUN THONG,  
 22 individually and doing business as  
 RAMONA DONUTS; LEON CHHOUR,  
 23 individually and doing business as  
 RAMONA DONUTS; ROY'S MARKET, an  
 24 unknown business entity; SALGADOS  
 LITTLE KITCHEN, an unknown business  
 25 entity; AMAL OTHMAN, individually and  
 doing business as SAL'S DELI AND  
 26 MARKET CORP.; SAMARITANA MINI  
 MARKET, an unknown business entity;  
 27 MARIA JULIA RIVAS, individually and  
 doing business as SAN JUAN MEAT  
 28 MARKET; SAVE PENNY MART, an

1 unknown business entity; HAHN'S  
2 STARMART, INC., a California corporation  
3 doing business as SHELL FOOD MART;  
4 YOUNG SHIN, individually and doing  
5 business as SHIN'S MARKET; BLANCA  
6 GUADALUPE, individually and doing  
7 business as SOUTH CENTRAL 98 CENTS  
8 STORE; SACHI TAKAO, individually and  
9 doing business as STAR S LIQUOR;  
10 SUZUKI TAKAO, individually and doing  
11 business as STAR S LIQUOR; SUN'S  
12 MARKET, an unknown business entity;  
13 CALZADA, INC., a California corporation  
14 doing business as SUPER DISCOUNT;  
15 FRANCISCO MATEOZ, individually and  
16 doing business as SUZANNA'S MINI  
17 MARKET; NAY CHAU, individually and  
18 doing business as SWEET O DONUTS;  
19 JEFFREY LAM, individually and doing  
20 business as TEXACO SERVICE STATION;  
21 TORRES MEAT MARKET, an unknown  
22 business entity; SNACK SHOP, an unknown  
23 business entity; VENUS FOOD MARKET,  
24 an unknown business entity; LUIS OCON,  
25 individually and doing business as VILLA  
26 GUERRERO MARKET; PETER CHAI,  
27 individually and doing business as  
28 WESTERN DONUTS; TY KIM TANG,  
individually and doing business as  
YOUNGS MARKET; SUN CHA CHOE,  
individually and doing business as 77  
MARKET; CUN LIU, individually and  
doing business as LA MARKET; and DOES  
1 through 10, inclusive,

Defendants.

1 Plaintiff PHILIP MORRIS USA INC. ("Philip Morris USA"), for its complaint  
2 herein against AGUI MARKET, an unknown business entity; LARRY KAN,  
3 individually and doing business as ANDY'S DONUTS; JOSE RAFAEL ARGUETA,  
4 individually and doing business as ARBY LIQUOR; NORMAN DIAZ, individually  
5 and doing business as AVALON MARKET; ROTH A CHEY, individually and doing  
6 business as BARGAIN LIQUOR; 99 BEST STORE, an unknown business entity;  
7 UKA'S BIG SAVER FOODS, INC., a California corporation doing business as BIG  
8 SAVER MARKET; CHUNG KIM, individually and doing business as BUY &  
9 SAVE; RAGOVERTO CASTELLANOS, individually and doing business as  
10 CALIFORNIA DONUTS; CARLOS MARKET, an unknown business entity;  
11 CARNICERIA LOS TAPATIOS, INC., a California corporation doing business as  
12 CARNICERIA LOS TAPATIOS #2; LUIS GONZALES, individually and doing  
13 business as CARNICERIA SAN GABRIEL; JOEL ALFONSO  
14 ESTRELLAMARTINEZ, individually and doing business as CASA DEL PUEBLO;  
15 KYUNG SUK KIM, individually and doing business as CECILIAS MARKET;  
16 MOON KAP KIM, individually and doing business as CECILIAS MARKET; JUAN  
17 GABRIEL PENA, individually and doing business as CHAPILANDIA MARKET;  
18 ANN PENA, individually and doing business as CHAPILANDIA MARKET;  
19 CASTILLON PENA, individually and doing business as CHAPILANDIA  
20 MARKET; HELEN CHAN, individually and doing business as CHIN'S MARKET;  
21 PAUL CHAN, individually and doing business as CHIN'S MARKET; CISCOI  
22 MARKET, an unknown business entity; IBRAHIM MATTA, individually and doing  
23 business as CLEANER TIME EXPORT; CORNER MARKET, an unknown business  
24 entity; YOUNG HWANG, individually and doing business as CYPRESS DRIVE IN  
25 DAIRY; DANNYS DONUTS, an unknown business entity; DISCOUNT MINI  
26 MARKET, an unknown business entity; JAMES JUN, individually and doing  
27 business as DONUT INN; SENG HANG QUACH, individually and doing business  
28 as DONUT KING; DONUT SHOP, an unknown business entity; DONUT SHOP, an

1 unknown business entity; DONUTS & WATER STORE, an unknown business  
2 entity; KEON KIM, individually and doing business as DOWNTOWN MARKET;  
3 HYUN SOOK KIM, individually and doing business as DOWNTOWN MARKET;  
4 YOUNG JU LEE, individually and doing business as ECHO FOOD MARKET;  
5 ANA GLORIA PORTILLO, individually and doing business as EL PORVENIR  
6 BAKERY; CARLOS GONZALEZ, individually and doing business as EL  
7 PRINCIPIO MARKET #2; YASER SHALABI, individually and doing business as  
8 EL RANCHITO MARKET; EL TAPATIO MARKETS, INC., a California  
9 corporation doing business as EL TAPATIO MARKETS; JUANA CERVANTES,  
10 individually and doing business as ELVAS MARKET; HARRY FISHER,  
11 individually and doing business as ELWIN MARKET; SAEED HAKIMAN,  
12 individually and doing business as EMILIOS DISCOUNT; MIGDALIA ACOSTA,  
13 individually and doing business as ENSENADA MARKET & BAKERY; MAU  
14 DANG, individually and doing business as EVERYDAY SWAPMEET PRICE;  
15 NAM DANG, individually and doing business as EVERYDAY SWAPMEET  
16 PRICE; MARIO ORLANDO, individually and doing business as EXPO MINI  
17 MARKET; MANUEL ESCOBEDO, individually and doing business as FAMILY  
18 MARKET; JERRY YADEGARI, individually and doing business as FIESTA  
19 DISCOUNT; FIESTA MEXICANA MARKET LIMITED PARTNERSHIP, a  
20 limited partnership doing business as FIESTA FOOD WHOLESALE; GARCIA'S  
21 MINI-MARKET, an unknown business entity; GARFIELD LIQUOR STORE, an  
22 unknown business entity; YEO YUP CHANG, individually and doing business as  
23 GARY'S LIQUOR STORE; CHRISTY KONG, individually and doing business as  
24 GOLDEN DONUTS AND CROISSANTS; CHAI FA CHAO, individually and doing  
25 business as GRANNY'S DONUT; JORGE SANCHEZ, individually and doing  
26 business as GUADALAJARA MEAT MARKET; ROBERTO CRUZ, individually  
27 and doing business as GUADALAJARA MEAT MARKET; JACK CHANG,  
28 individually and doing business as GUERRERO MARKET; GUMBO DISCOUNT

1 SUPER MARK, an unknown business entity; JULIETTE F. COTA, individually and  
2 doing business as H & H LIQUOR; HOLLYFOOD MART, an unknown business  
3 entity; JAE'S MARKET, an unknown business entity; OSCAR GONZALEZ,  
4 individually and doing business as JEANETES MINI MARKET; HAN J. YOO,  
5 individually and doing business as JEMPS BURGER; GHASSAN FOUAD  
6 SALIBA, individually and doing business as JK LIQUOR STORE; SOUTH A YAI,  
7 individually and doing business as JOHN'S DONUTS & ICE CREAM; SE HENG,  
8 individually and doing business as JUBILEE DONUTS; CHHUN SENG,  
9 individually and doing business as K&C DONUT; MARKET PRODUCE FOR  
10 LESS, INC., a California corporation doing business as KIM AND CHUNG  
11 MARKET; BERTHA LETICIA REYNAGA, individually and doing business as K'S  
12 MARKET; OCTAVIO HERNANDEZ, individually and doing business as LA  
13 MEAT MARKET; LA BARATITA, an unknown business entity; SUPER  
14 CARNICERIA LA CHIQUITA MAIN INC., a California corporation doing business  
15 as LA CHIQUITA; JONG TAE LEE, individually and doing business as LA  
16 FIESTA MARKET; LA FONOMICA CARNICERIA, an unknown business entity;  
17 LA PRINCESITA MARKET, an unknown business entity; LANZA BROS  
18 MARKET, an unknown business entity; ANTONIO BIBAROS, individually and  
19 doing business as LILY MARKET; DHO ENTERPRISES, a California Corporation  
20 doing business as LIQUOR STORE; LUIS ALFONSO ESQUEDA, individually  
21 and doing business as LORIS MARKET; YAMINA ESQUEDA, individually and  
22 doing business as LORIS MARKET; NADIA HAMIDEH, individually and doing  
23 business as LOS AMIGOS MARKET; WILLIAM UMUKORO, individually and  
24 doing business as LOS AMIGOS MARKET; ADOLFO OCHOA, individually and  
25 doing business as LOS TRES GALLOS; GUADALUPE OCHOA, individually and  
26 doing business as LOS TRES GALLOS; AMY PINA KIM, individually and doing  
27 business as LOUIES JR MARKET; JAVIER PINA, individually and doing business  
28 as LUPITA'S MINI MARKET; HOSSEIN GHASSEMI BAKHT, individually and

1 doing business as MALERY; FERNANDO C. GEUERRERO, individually and  
2 doing business as MARKET NUEVO MUNDO; MARIA ESCOBAR, individually  
3 and doing business as MARYS 99 CENTS STORE; YAN DENG, individually and  
4 doing business as MAY-VERN LIQUOR; WENJIN LI, individually and doing  
5 business as MAY-VERN LIQUOR; BUK NAM PARK, individually and doing  
6 business as MEADOW MAID MART; ABUL IBRAHIM, individually and doing  
7 business as MELVINE GROCERY MARKET; MENDOZA PRODUCE TRUCK, an  
8 unknown business entity; SUNG LEE, individually and doing business as  
9 MERCADO CENTRAL; DANNY KIM, individually and doing business as  
10 MERCADO DE PUEBLO MARKET; MARTHA ALICA GARCIA, individually  
11 and doing business as MERCADO JALISCO; ENRIQUE CORDOVA GARCIA,  
12 individually and doing business as MERCADO JALISCO; METRO STATION, an  
13 unknown business entity; MARTA MOLINA, individually and doing business as  
14 MIGUELITO'S PARTY SUPPLY GIFT; ASHFAQ AHMAD SHEIKH, individually  
15 and doing business as MILKMAN MARKET; EMILIA MERAZ, individually and  
16 doing business as MINI MARKET; MILA CHIN, individually and doing business as  
17 MODERN FOOD MARKET; MUJIBUR RAHMAN, individually and doing  
18 business as MOKTA MINI MARKET; SAMAN PENJARAENWATAN,  
19 individually and doing business as NEW YORK DONUTS; RUPINDERJIT  
20 KAUER, individually and doing business as OCCIDENTAL LIQUOR STORE;  
21 BALJINDER MULTANI, individually and doing business as OCCIDENTAL  
22 LIQUOR STORE; JOGINDER SINGH, individually and doing business as  
23 OCCIDENTAL LIQUOR STORE; SALVADOR GUZMAN, individually and doing  
24 business as ORLANDO MARKET; BAO NGUYEN, individually and doing  
25 business as PHILIP CIGARETTES; BUON TA, individually and doing business as  
26 PK DONUTS AND ICE CREAM; LOUISA DIAB FAOUR, individually and doing  
27 business as PLAZA LIQUOR; SHACK P. MAH, individually and doing business as  
28 PM LIQUOR MARKET; YUET SAU MAH, individually and doing business as PM

1 LIQUOR MARKET; PRICE SAVER GAS, an unknown business entity; DANIEL  
2 CHO, individually and doing business as RAMONA DONUTS; JUN THONG,  
3 individually and doing business as RAMONA DONUTS; LEON CHHOUR,  
4 individually and doing business as RAMONA DONUTS; ROY'S MARKET, an  
5 unknown business entity; SALGADOS LITTLE KITCHEN, an unknown business  
6 entity; AMAL OTHMAN, individually and doing business as SAL'S DELI AND  
7 MARKET CORP.; SAMARITANA MINI MARKET, an unknown business entity;  
8 MARIA JULIA RIVAS, individually and doing business as SAN JUAN MEAT  
9 MARKET; SAVE PENNY MART, an unknown business entity; HAHN'S  
10 STARMART, INC., a California corporation doing business as SHELL FOOD  
11 MART; YOUNG SHIN, individually and doing business as SHIN'S MARKET;  
12 BLANCA GUADALUPE, individually and doing business as SOUTH CENTRAL  
13 98 CENTS STORE; SACHI TAKAO, individually and doing business as STAR S  
14 LIQUOR; SUZUKI TAKAO, individually and doing business as STAR S LIQUOR;  
15 SUN'S MARKET, an unknown business entity; CALZADA, INC., a California  
16 corporation doing business as SUPER DISCOUNT; FRANCISCO MATEOZ,  
17 individually and doing business as SUZANNA'S MINI MARKET; NAY CHAU,  
18 individually and doing business as SWEET O DONUTS; JEFFREY LAM,  
19 individually and doing business as TEXACO SERVICE STATION; TORRES  
20 MEAT MARKET, an unknown business entity; SNACK SHOP, an unknown  
21 business entity; VENUS FOOD MARKET, an unknown business entity; LUIS  
22 OCON, individually and doing business as VILLA GUERRERO MARKET; PETER  
23 CHAI, individually and doing business as WESTERN DONUTS; TY KIM TANG,  
24 individually and doing business as YOUNGS MARKET; SUN CHA CHOE,  
25 individually and doing business as 77 MARKET; CUN LIU, individually and doing  
26 business as LA MARKET; and DOES ONE through TEN inclusive (collectively,  
27 "Defendants"), alleges as follows:  
28

## **JURISDICTION AND VENUE**

1  
2 1. This Court has jurisdiction over this action pursuant to: (i) 28 U.S.C. §§  
3 1331, 1338(a) and (b) and 15 U.S.C. §1121, as an action for violation of the Lanham  
4 Act, 15 U.S.C. §§ 1051 et seq.; and (ii) 28 U.S.C. § 1367(a), pursuant to the  
5 principles of supplemental jurisdiction.

6 2. Philip Morris USA is informed and believes and thereupon alleges that  
7 venue is proper in this district pursuant to 28 U.S.C. § 1391(b) in that, among other  
8 things, the majority of Defendants reside or are found in this judicial district and a  
9 substantial part of the events or omissions giving rise to the claims herein occurred in  
10 this judicial district.

## **NATURE OF THE ACTION**

11  
12 3. This is an action for: (i) infringement of registered trademarks in  
13 violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114; (ii) false designation of  
14 origin and trademark and trade dress infringement in violation of Section 43(a) of the  
15 Lanham Act, 15 U.S.C. § 1125(a); (iii) unfair competition and trademark  
16 infringement in violation of the common law of the State of California; and (iv)  
17 unfair competition in violation of the California Unfair Competition Law, California  
18 Business and Professions Code Sections 17200 et seq. As described more fully  
19 below, Defendants have sold, offered for sale, or otherwise contributed to the sale of  
20 counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes, and are  
21 therefore liable for direct and/or contributory infringement of Philip Morris USA's  
22 lawfully owned trademarks and trade dress. Defendants' conduct has produced and,  
23 unless enjoined by this Court, will continue to produce widespread consumer  
24 confusion and deception as well as irreparable injury to Philip Morris USA.

25 4. For several decades, Philip Morris USA has used, in connection with its  
26 tobacco products, the MARLBORO® mark and various other trademarks  
27 incorporating the word MARLBORO® and/or the MARLBORO® Roof Design label  
28 mark, a pentagonal figure with a horizontal top and two vertical sides with two

1 upwardly and inwardly sloping diagonals (collectively, the "Marlboro Marks").  
2 Philip Morris USA has spent substantial time, effort and money advertising and  
3 promoting the Marlboro Marks throughout the United States, and these marks have  
4 consequently developed significant goodwill, have become distinctive, and have  
5 acquired secondary meaning.

6 5. In a blatant attempt to profit from Philip Morris USA's substantial  
7 investment in its Marlboro Marks, Defendants have sold cigarettes in packaging that  
8 bears spurious marks that are either identical with or substantially indistinguishable  
9 from the Marlboro Marks. Consumers naturally would expect that cigarettes sold in  
10 packaging that bears the famous Marlboro Marks would be manufactured or licensed  
11 or sponsored by, or affiliated with, Philip Morris USA. However, Philip Morris USA  
12 has confirmed that the cigarettes at issue were not manufactured licensed or  
13 sponsored by Philip Morris USA and are counterfeit. Thus, consumers will be  
14 confused and/or disappointed by the differences between the counterfeit cigarettes  
15 and the genuine MARLBORO® and/or MARLBORO LIGHTS® cigarettes  
16 manufactured and sold by Philip Morris USA or its affiliates.

17 6. As a result of Defendants' actions, Philip Morris USA is suffering a loss  
18 of the enormous goodwill Philip Morris USA created in its MARLBORO® and/or  
19 MARLBORO LIGHTS® products and is losing profits from lost sales of genuine  
20 products. This action seeks preliminary and permanent injunctive relief and damages  
21 for Defendants' infringement of Philip Morris USA's intellectual property rights.

### 22 THE PARTIES

23 7. Plaintiff Philip Morris USA is a corporation organized and existing  
24 under the laws of the Commonwealth of Virginia with its principal place of business  
25 at 120 Park Avenue, New York, New York 10017.

26 8. Defendant Agui Market is business organization whose form is presently  
27 unknown to Philip Morris USA. Agui Market operates a retail establishment, open to  
28 the general public, at 1883 Daly, Los Angeles, California.

1           9. Defendant Larry Kan is an individual and, upon information and belief,  
2 is a resident of the State of California and is doing business as "Andy's Donuts" with  
3 a business address of 10127 Avalon Street, Los Angeles, California.

4           10. Defendant Jose Rafael Argueta is an individual and, upon information  
5 and belief, is a resident of the State of California and is doing business as "Arby  
6 Liquor" with a business address of 5501 S. Central Avenue, Los Angeles, California.

7           11. Defendant Norman Diaz is an individual and, upon information and  
8 belief, is a resident of the State of California and is doing business as "Avalon  
9 Market" with a business address of 8322 Avalon Boulevard, Los Angeles, California.

10          12. Defendant Rotha Chey is an individual and, upon information and  
11 belief, is a resident of the State of California and is doing business as "Bargain  
12 Liquor" with a business address of 3300 E. 7th Street, Long Beach, California.

13          13. Defendant 99 Best Store is business organization whose form is  
14 presently unknown to Philip Morris USA. 99 Best Store operates a retail  
15 establishment, open to the general public, at 13010 Avalon, Los Angeles, California.

16          14. Defendant Uka's Big Saver Foods, Inc. is a corporation organized and  
17 existing under the laws of the state of California, and is doing business as "Big Saver  
18 Market" with a business address of 2619 N. Figueroa Street, Los Angeles, California.

19          15. Defendant Chung Kim is an individual and, upon information and belief,  
20 is a resident of the State of California and is doing business as "Buy & Save" with a  
21 business address of 1554 W. Sunset Boulevard, Lakewood, California.

22          16. Defendant Ragovertto Castellanos is an individual and, upon information  
23 and belief, is a resident of the State of California and is doing business as "California  
24 Donuts" with a business address of 801 S. Alvarado Street, Los Angeles, California.

25          17. Defendant Carlos Market is business organization whose form is  
26 presently unknown to Philip Morris USA. Carlos Market operates a retail  
27 establishment, open to the general public, at 2906 Madison Street, Riverside,  
28 California.

1        18. Defendant Carniceria Los Tapatios, Inc. is a corporation organized and  
2 existing under the laws of the State of California and is doing business as "Carniceria  
3 Los Tapatios #2" with a business address of 1447 W. 3rd Street, Los Angeles,  
4 California.

5        19. Defendant Luis Gonzales is an individual and, upon information and  
6 belief, is a resident of the State of California and is doing business as "Carniceria San  
7 Gabriel" with a business address of 13124 Ramona Boulevard, Los Angeles,  
8 California.

9        20. Defendant Joel Alfonso Estrellamartinez is an individual and, upon  
10 information and belief, is a resident of the State of California and is doing business as  
11 "Casa Del Pueblo" with a business address of 570 Mines Avenue, Los Angeles,  
12 California.

13        21. Defendant Kyung Suk Kim is an individual and, upon information and  
14 belief, is a resident of the State of California and is doing business as "Cecilias  
15 Market" with a business address of 8201 Garfield, Los Angeles, California.

16        22. Defendant Moon Kap Kim is an individual and, upon information and  
17 belief, is a resident of the State of California and is doing business as "Cecilias  
18 Market" with a business address of 8201 Garfield, Los Angeles, California.

19        23. Defendant Juan Gabriel Pena is an individual and, upon information and  
20 belief, is a resident of the State of California and is doing business as "Chapilandia  
21 Market" with a business address of 4328 Tweedy Boulevard, South Gate, California.

22        24. Defendant Ann Pena is an individual and, upon information and belief,  
23 is a resident of the State of California and is doing business as "Chapilandia Market"  
24 with a business address of 4328 Tweedy Boulevard, South Gate, California.

25        25. Defendant Castillon Pena is an individual and, upon information and  
26 belief, is a resident of the State of California and is doing business as "Chapilandia  
27 Market" with a business address of 4328 Tweedy Boulevard, South Gate, California.  
28

1       26. Defendant Helen Chan is an individual and, upon information and  
2 belief, is a resident of the State of California and is doing business as "Chin's  
3 Market" with a business address of 7902 Broadway Avenue, Los Angeles, California.

4       27. Defendant Paul Chan is an individual and, upon information and belief,  
5 is a resident of the State of California and is doing business as "Chin's Market" with a  
6 business address of 7902 Broadway Avenue, Los Angeles, California.

7       28. Defendant Cisco Market is business organization whose form is  
8 presently unknown to Philip Morris USA. Cisco Market operates a retail  
9 establishment, open to the general public, at 7313 Seville Avenue, Huntington Park,  
10 California.

11       29. Defendant Ibrahim Matta is an individual and, upon information and  
12 belief, is a resident of the State of California and is doing business as "Cleaner Time  
13 Export" with a business address of 16045 Sherman Way, Van Nuys, California.

14       30. Defendant Corner Market is business organization whose form is  
15 presently unknown to Philip Morris USA. Corner Market operates a retail  
16 establishment, open to the general public, at the corner of Valencia and 7th Street,  
17 Los Angeles, California.

18       31. Defendant Young Hwang is an individual and, upon information and  
19 belief, is a resident of the State of California and is doing business as "Cypress Drive  
20 In Dairy" with a business address of 701 Cypress, Los Angeles, California.

21       32. Defendant Dannys Donuts is business organization whose form is  
22 presently unknown to Philip Morris USA. Dannys Donuts operates a retail  
23 establishment, open to the general public, at 8935 Slauson Avenue # H, Pico Rivera,  
24 California.

25       33. Defendant Discount Mini Market is business organization whose form is  
26 presently unknown to Philip Morris USA. Discount Mini Market operates a retail  
27 establishment, open to the general public, at 4016 S. San Pedro Street, Los Angeles,  
28 California.

1        34. Defendant James Jun is an individual and, upon information and belief,  
2 is a resident of the State of California and is doing business as "Donut Inn" with a  
3 business address of 2644 W. Valley Boulevard, Alhambra, California.

4        35. Defendant Seng Hang Quach is an individual and, upon information and  
5 belief, is a resident of the State of California and is doing business as "Donut King"  
6 with a business address of 3611 Sixth Street, Los Angeles, California.

7        36. Defendant Donut Shop is business organization whose form is presently  
8 unknown to Philip Morris USA. Donut Shop operates a retail establishment, open to  
9 the general public, at 1930 3rd Street, Los Angeles, California.

10       37. Defendant Donut Shop is business organization whose form is presently  
11 unknown to Philip Morris USA. Donut Shop operates a retail establishment, open to  
12 the general public, at 1411 Echo Park Avenue, #105, Los Angeles, California.

13       38. Defendant Donuts & Water Store is business organization whose form is  
14 presently unknown to Philip Morris USA. Donuts & Water Store operates a retail  
15 establishment, open to the general public, at 7104 Compton Avenue, Los Angeles,  
16 California.

17       39. Defendant Keon Kim is an individual and, upon information and belief,  
18 is a resident of the State of California and is doing business as "Downtown Market"  
19 with a business address of 231 E. 9th Street, Los Angeles, California.

20       40. Defendant Hyun Sook Kim is an individual and, upon information and  
21 belief, is a resident of the State of California and is doing business as "Downtown  
22 Market" with a business address of 231 E. 9th Street, Los Angeles, California.

23       41. Defendant Young Ju Lee is an individual and, upon information and  
24 belief, is a resident of the State of California and is doing business as "Echo Food  
25 Market" with a business address of 1940 Echo Park Avenue, Los Angeles, California.

26       42. Defendant Carlos Gonzalez is an individual and, upon information and  
27 belief, is a resident of the State of California and is doing business as "El Principio  
28 Market #2" with a business address of 2301 Maple Avenue, Los Angeles, California.

1        43. Defendant Yaser Shalabi is an individual and, upon information and  
2 belief, is a resident of the State of California and is doing business as "El Ranchito  
3 Market" with a business address of 2090 Pacific Coast Highway, Los Angeles,  
4 California.

5        44. Defendant El Tapatio Markets, Inc. is a corporation organized and  
6 existing under the laws of the State of California and is doing business as "El Tapatio  
7 Markets" with a business address of 6039 Florence, Los Angeles, California.

8        45. Defendant Juana Cervantes is an individual and, upon information and  
9 belief, is a resident of the State of California and is doing business as "Elvas Market"  
10 with a business address of 1320 Pleasant Avenue, Los Angeles, California.

11        46. Defendant Harry Fisher is an individual and, upon information and  
12 belief, is a resident of the State of California and is doing business as "Elwin Market"  
13 with a business address of 13100 Ramona Boulevard, Los Angeles, California.

14        47. Defendant Saeed Hakiman is an individual and, upon information and  
15 belief, is a resident of the State of California and is doing business as "Emilios  
16 Discount" with a business address of 2935 W. Beverly Boulevard, Los Angeles,  
17 California.

18        48. Defendant Migdalia Acosta is an individual and, upon information and  
19 belief, is a resident of the State of California and is doing business as "Ensenada  
20 Market & Bakery" with a business address of 625 Wilmington Boulevard, Los  
21 Angeles, California.

22        49. Defendant Mau Dang is an individual and, upon information and belief,  
23 is a resident of the State of California and is doing business as "Everyday Swapmeet  
24 Price" with a business address of 470 E. 4th Street, Perris, California.

25        50. Defendant Nam Dang is an individual and, upon information and belief,  
26 is a resident of the State of California and is doing business as "Everyday Swapmeet  
27 Price" with a business address of 470 E. 4th Street, Perris, California.  
28

1        51. Defendant Mario Orlando is an individual and, upon information and  
2 belief, is a resident of the State of California and is doing business as "Expo Mini  
3 Market" with a business address of 3781 S Western Avenue, Los Angeles, California.

4        52. Defendant Manuel Escobedo is an individual and, upon information and  
5 belief, is a resident of the State of California and is doing business as "Family  
6 Market" with a business address of 3705 Third Street, Los Angeles, California.

7        53. Defendant Jerry Yadegari is an individual and, upon information and  
8 belief, is a resident of the State of California and is doing business as "Fiesta  
9 Discount" with a business address of 1724 Sunset Boulevard, Los Angeles,  
10 California.

11        54. Defendant Fiesta Mexicana Market Limited Partnership is a limited  
12 partnership organized and existing under the laws of the State of California and is  
13 doing business as "Fiesta Food Wholesale" with a business address of 16950  
14 Foothill, Fontana, California.

15        55. Defendant Garcia's Mini-Market is business organization whose form is  
16 presently unknown to Philip Morris USA. Garcia's Mini-Market operates a retail  
17 establishment, open to the general public, at 6219 Main Street, Los Angeles,  
18 California.

19        56. Defendant Garfield Liquor Store is business organization whose form is  
20 presently unknown to Philip Morris USA. Garfield Liquor Store operates a retail  
21 establishment, open to the general public, at 8045 Garfield, Los Angeles, California.

22        57. Defendant Yeo Yup Chang is an individual and, upon information and  
23 belief, is a resident of the State of California and is doing business as "Gary's Liquor  
24 Store" with a business address of 5067 Melrose Avenue, Los Angeles, California.

25        58. Defendant Christy Kong is an individual and, upon information and  
26 belief, is a resident of the State of California and is doing business as "Golden  
27 Donuts and Croissants" with a business address of 6025 Rosemead Boulevard, Los  
28 Angeles, California.

1        59. Defendant Chai Fa Chao is an individual and, upon information and  
2 belief, is a resident of the State of California and is doing business as "Granny's  
3 Donut" with a business address of 14210 Bellflower Boulevard, Los Angeles,  
4 California.

5        60. Defendant Jorge Sanchez is an individual and, upon information and  
6 belief, is a resident of the State of California and is doing business as "Guadalajara  
7 Meat Market" with a business address of 6347 Santa Fe Avenue, Huntington Park,  
8 California.

9        61. Defendant Roberto Cruz is an individual and, upon information and  
10 belief, is a resident of the State of California and is doing business as "Guadalajara  
11 Meat Market" with a business address of 6347 Santa Fe Avenue, Huntington Park,  
12 California.

13        62. Defendant Jack Chang is an individual and, upon information and belief,  
14 is a resident of the State of California and is doing business as "Guerrero Market"  
15 with a business address of 1238 8th Street, Los Angeles, California.

16        63. Defendant Gumbo Discount Super Mark is business organization whose  
17 form is presently unknown to Philip Morris USA. Gumbo Discount Super Mark  
18 operates a retail establishment, open to the general public, at Vernon and Morgan,  
19 Los Angeles, California.

20        64. Defendant Juliette F. Cota is an individual and, upon information and  
21 belief, is a resident of the State of California and is doing business as "H & H  
22 Liquor" with a business address of 7350 E. Alondra Boulevard, Paramount,  
23 California.

24        65. Defendant Hollyfood Mart is a corporation organized and existing under  
25 the laws of the State of California and is doing business as "Hollyfood Mart" with a  
26 business address of 500b San Pedro, Los Angeles, California.

1        66. Defendant Jae's Market is business organization whose form is presently  
2 unknown to Philip Morris USA. Jae's Market operates a retail establishment, open to  
3 the general public, at 2484 W. Pico Boulevard, Los Angeles, California.

4        67. Defendant Oscar Gonzalez is an individual and, upon information and  
5 belief, is a resident of the State of California and is doing business as "Jeanetes Mini  
6 Market" with a business address of 2538 W. Pico Boulevard, Los Angeles,  
7 California.

8        68. Defendant Han J. Yoo is an individual and, upon information and belief,  
9 is a resident of the State of California and is doing business as "Jemps Burger " with  
10 a business address of 833 Hill Street, Los Angeles, California.

11        69. Defendant Ghassan Fouad Saliba is an individual and, upon information  
12 and belief, is a resident of the State of California and is doing business as "JK  
13 Liquor" with a business address of 8143 Telegraph Road, Pico Rivera, California.

14        70. Defendant Southa Yai is an individual and, upon information and belief,  
15 is a resident of the State of California and is doing business as "John's Donuts & Ice  
16 Cream" with a business address of 23401 Main Street, Los Angeles, California.

17        71. Defendant Se Heng is an individual and, upon information and belief, is  
18 a resident of the State of California and is doing business as "Jubilee Donuts" with a  
19 business address of 4205 Beverly Boulevard, Los Angeles, California.

20        72. Defendant Chhun Seng is an individual and, upon information and  
21 belief, is a resident of the State of California and is doing business as "K&C Donut"  
22 with a business address of 3500 Sunset Boulevard, Los Angeles, California.

23        73. Defendant Market Produce For Less, Inc. is a corporation organized and  
24 existing under the laws of the State of California and is doing business as "Kim and  
25 Chung Market" with a business address of 3610 Firestone Boulevard, South Gate,  
26 California.

27        74. Defendant Bertha Leticia Reynaga is an individual and, upon  
28 information and belief, is a resident of the State of California and is doing business as

1 "K's Market" with a business address of 7829 Eastern Avenue, Bell Gardens,  
2 California.

3 75. Defendant Octavio Hernandez is an individual and, upon information  
4 and belief, is a resident of the State of California and is doing business as "L A Meat  
5 Market" with a business address of 4826 S. Central Avenue, Los Angeles, California.

6 76. Defendant La Baratita is business organization whose form is presently  
7 unknown to Philip Morris USA. La Baratita operates a retail establishment, open to  
8 the general public, at 109 Vermont Avenue, Los Angeles, California.

9 77. Defendant Super Carniceria La Chiquita Main Inc. is a corporation  
10 organized and existing under the laws of the State of California and is doing business  
11 as "La Chiquita" with a business address of 1000 W. Main Street, Santa Maria,  
12 California.

13 78. Defendant Jong Tae Lee is an individual and, upon information and  
14 belief, is a resident of the State of California and is doing business as "La Fiesta  
15 Market" with a business address of 1905 N. Thomas Street, Los Angeles, California.

16 79. Defendant La Fonomica Carniceria is business organization whose form  
17 is presently unknown to Philip Morris USA. La Fonomica Carniceria operates a  
18 retail establishment, open to the general public, at 1429-1/2 3rd Street, Los Angeles,  
19 California.

20 80. Defendant La Princesita Market is business organization whose form is  
21 presently unknown to Philip Morris USA. La Princesita Market operates a retail  
22 establishment, open to the general public, at 2426 E. 4th Street, Los Angeles,  
23 California.

24 81. Defendant Lanza Bros. Market is business organization whose form is  
25 presently unknown to Philip Morris USA. Lanza Bros. Market operates a retail  
26 establishment, open to the general public, at 1803 N. Main, Los Angeles, California.

1       82. Defendant Antonio Bibaros is an individual and, upon information and  
2 belief, is a resident of the State of California and is doing business as "Lily Market"  
3 with a business address of 4016 E. 1st Street, Los Angeles, California.

4       83. Defendant DHO Enterprises is a corporation organized and existing  
5 under the laws of the State of California and is doing business as "Liquor Store" with  
6 a business address of 614 El Segundo, Los Angeles, California.

7       84. Defendant Luis Alfonso Esqueda is an individual and, upon information  
8 and belief, is a resident of the State of California and is doing business as "Loris  
9 Market" with a business address of 8422 State Street, South Gate, California.

10       85. Defendant Yamina Esqueda is an individual and, upon information and  
11 belief, is a resident of the State of California and is doing business as "Loris Market"  
12 with a business address of 8422 State Street, South Gate, California.

13       86. Defendant Nadia Hamideh is an individual and, upon information and  
14 belief, is a resident of the State of California and is doing business as "Los Amigos  
15 Market" with a business address of 1163 Wilmington Boulevard, Los Angeles,  
16 California.

17       87. Defendant William Umukoro is an individual and, upon information and  
18 belief, is a resident of the State of California and is doing business as "Los Amigos  
19 Market" with a business address of 4417 Merced Avenue, Los Angeles, California.

20       88. Defendant Adolfo Ochoa is an individual and, upon information and  
21 belief, is a resident of the State of California and is doing business as "Los Tres  
22 Gallos" with a business address of 6266 Holmes Avenue, Los Angeles, California.

23       89. Defendant Guadalupe Ochoa is an individual and, upon information and  
24 belief, is a resident of the State of California and is doing business as "Los Tres  
25 Gallos" with a business address of 6266 Holmes Avenue, Los Angeles, California.

26       90. Defendant Amy Pina Kim is an individual and, upon information and  
27 belief, is a resident of the State of California and is doing business as "Louies Jr  
28

1 Market” with a business address of 8900 S. Compton Avenue, Los Angeles,  
2 California.

3 91. Defendant Javier Pina is an individual and, upon information and belief,  
4 is a resident of the State of California and is doing business as “Lupita’s Mini  
5 Market” with a business address of 4077 S. Main Street, Los Angeles, California.

6 92. Defendant Hossein Ghassemi Bakht is an individual and, upon  
7 information and belief, is a resident of the State of California and is doing business as  
8 “Malery” with a business address of 11720 Wilmington Avenue, Los Angeles,  
9 California.

10 93. Defendant Fernando C. Geurrero is an individual and, upon  
11 information and belief, is a resident of the State of California and is doing business as  
12 “Market Nuevo Mundo” with a business address of 1735 7th Street, Los Angeles,  
13 California.

14 94. Defendant Maria Escobar is an individual and, upon information and  
15 belief, is a resident of the State of California and is doing business as “Marys 99  
16 Cents Store” with a business address of 2400 7th Street, Los Angeles, California.

17 95. Defendant Yan Deng is an individual and, upon information and belief,  
18 is a resident of the State of California and is doing business as “May-Vern Liquor”  
19 with a business address of 3931 52nd Street, Los Angeles, California.

20 96. Defendant Wenjin Li is an individual and, upon information and belief,  
21 is a resident of the State of California and is doing business as “May-Vern Liquor”  
22 with a business address of 3931 52nd Street, Los Angeles, California.

23 97. Defendant Buk Nam Park is an individual and, upon information and  
24 belief, is a resident of the State of California and is doing business as “Meadow Maid  
25 Mart” with a business address of 808 N. State, Los Angeles, California.

26 98. Defendant Abul Ibrahim is an individual and, upon information and  
27 belief, is a resident of the State of California and is doing business as “Melvine  
28

1 Grocery Market” with a business address of 5770 Melrose Avenue #104, Los  
2 Angeles, California.

3 99. Defendant Mendoza Produce Truck is business organization whose form  
4 is presently unknown to Philip Morris USA. Mendoza Produce Truck operates a  
5 retail establishment, open to the general public, at 7000 Block of 81st Street, Los  
6 Angeles, California.

7 100. Defendant Sung Lee is an individual and, upon information and belief, is  
8 a resident of the State of California and is doing business as “Mercado Central” with  
9 a business address of 6025 Maywood, Los Angeles, California.

10 101. Defendant Danny Kim is an individual and, upon information and belief,  
11 is a resident of the State of California and is doing business as “Mercado De Pueblo  
12 Market” with a business address of 12760 Ramona Boulevard, Los Angeles,  
13 California.

14 102. Defendant Martha Alica Garcia is an individual and, upon information  
15 and belief, is a resident of the State of California and is doing business as “Mercado  
16 Jalisco” with a business address of 24258 San Fernando Road, Newhall, California.

17 103. Defendant Enrique Cordova Garcia is an individual and, upon  
18 information and belief, is a resident of the State of California and is doing business as  
19 “Mercado Jalisco” with a business address of 24258 San Fernando Road, Newhall,  
20 California.

21 104. Defendant Metro Station is business organization whose form is  
22 presently unknown to Philip Morris USA. Metro Station operates a retail  
23 establishment, open to the general public, at Lankershim and Chandler, North  
24 Hollywood, California.

25 105. Defendant Marta Molina is an individual and, upon information and  
26 belief, is a resident of the State of California and is doing business as “Miguelito's  
27 Party Supply Gift” with a business address of 4218 S. Vermont Avenue, Los  
28 Angeles, California.

1        106. Defendant Ashfaq Ahmad Sheikh is an individual and, upon information  
2 and belief, is a resident of the State of California and is doing business as "Milkman  
3 Market" with a business address of 4025 Beverly Boulevard, Los Angeles,  
4 California.

5        107. Defendant Emilia Meraz is an individual and, upon information and  
6 belief, is a resident of the State of California and is doing business as "Mini Market"  
7 with a business address of 2910 S. San Pedro Street, Los Angeles, California.

8        108. Defendant Mila Chin is an individual and, upon information and belief,  
9 is a resident of the State of California and is doing business as "Modern Food  
10 Market" with a business address of 601 Anaheim Street, Los Angeles, California.

11       109. Defendant Mujibur Rahman is an individual and, upon information and  
12 belief, is a resident of the State of California and is doing business as "Mokta Mini  
13 Market" with a business address of 3087 W. Pico Boulevard, Los Angeles,  
14 California.

15       110. Defendant Saman Penjaraenwatan is an individual and, upon  
16 information and belief, is a resident of the State of California and is doing business as  
17 "New York Donuts" with a business address of 3101b Beverly Boulevard, Los  
18 Angeles, California.

19       111. Defendant Rupinderjit Kauer is an individual and, upon information and  
20 belief, is a resident of the State of California and is doing business as "Occidental  
21 Liquor Store" with a business address of 2755 Beverly Boulevard, Los Angeles,  
22 California.

23       112. Defendant Baljinder Multani is an individual and, upon information and  
24 belief, is a resident of the State of California and is doing business as "Occidental  
25 Liquor Store" with a business address of 2755 Beverly Boulevard, Los Angeles,  
26 California.

27       113. Defendant Joginder Singh is an individual and, upon information and  
28 belief, is a resident of the State of California and is doing business as "Occidental

1 Liquor Store” with a business address of 2755 Beverly Boulevard, Los Angeles,  
2 California.

3 114. Defendant Salvador Guzman is an individual and, upon information and  
4 belief, is a resident of the State of California and is doing business as “Orlando  
5 Market” with a business address of 9200 Avalon Boulevard, Los Angeles, California.

6 115. Defendant Bao Nguyen is an individual and, upon information and  
7 belief, is a resident of the State of California and is doing business as “Philip  
8 Cigarettes” with a business address of 410 N. Harbor Boulevard, Los Angeles,  
9 California.

10 116. Defendant Buon Ta is an individual and, upon information and belief, is  
11 a resident of the State of California and is doing business as “PK Donuts and Ice  
12 Cream” with a business address of 2609 Sunset Boulevard, Los Angeles, California.

13 117. Defendant Louisa Diab Faour is an individual and, upon information and  
14 belief, is a resident of the State of California and is doing business as “Plaza Liquor”  
15 with a business address of 1546 W. Carson Street, Torrance, California.

16 118. Defendant Shack P. Mah is an individual and, upon information and  
17 belief, is a resident of the State of California and is doing business as “PM Liquor  
18 Market” with a business address of 2856 Sunset Boulevard, Los Angeles, California.

19 119. Defendant Yuet Sau Mah is an individual and, upon information and  
20 belief, is a resident of the State of California and is doing business as “PM Liquor  
21 Market” with a business address of 2856 Sunset Boulevard, Los Angeles, California.

22 120. Defendant Price Saver Gas is business organization whose form is  
23 presently unknown to Philip Morris USA. Price Saver Gas operates a retail  
24 establishment, open to the general public, at 1106 Anaheim Street, Los Angeles,  
25 California.

26 121. Defendant Daniel Cho is an individual and, upon information and belief,  
27 is a resident of the State of California and is doing business as “Ramona Donuts”  
28 with a business address of 3959 Wilshire Boulevard, Los Angeles, California.

1           122. Defendant Jun Thong is an individual and, upon information and belief,  
2 is a resident of the State of California and is doing business as "Ramona Donuts"  
3 with a business address of 3959 Wilshire Boulevard, Los Angeles, California.

4           123. Defendant Leon Chhour is an individual and, upon information and  
5 belief, is a resident of the State of California and is doing business as "Ramona  
6 Donuts" with a business address of 3959 Wilshire Boulevard, Los Angeles,  
7 California.

8           124. Defendant Roy's Market is business organization whose form is  
9 presently unknown to Philip Morris USA. Roy's Market operates a retail  
10 establishment, open to the general public, at 6127 Main Street, Los Angeles,  
11 California.

12           125. Defendant Salgados Little Kitchen is business organization whose form  
13 is presently unknown to Philip Morris USA. Salgados Little Kitchen operates a retail  
14 establishment, open to the general public, at 5061 Alhambra Boulevard, Los Angeles,  
15 California.

16           126. Defendant Amal Othman is an individual and, upon information and  
17 belief, is a resident of the State of California and is doing business as "Sal's Deli and  
18 Market Corp." with a business address of 21070 Beach Boulevard, Huntington  
19 Beach, California.

20           127. Defendant Samaritana Mini Market is business organization whose form  
21 is presently unknown to Philip Morris USA. Samaritana Mini Market operates a  
22 retail establishment, open to the general public, at 8330 Compton Avenue, Los  
23 Angeles, California.

24           128. Defendant Maria Julia Rivas is an individual and, upon information and  
25 belief, is a resident of the State of California and is doing business as "San Juan Meat  
26 Market" with a business address of 1248 Temple Street, Los Angeles, California.

27           129. Defendant Save Penny Mart is business organization whose form is  
28 presently unknown to Philip Morris USA. Save Penny Mart operates a retail

1 establishment, open to the general public, at 1252 Temple Street, Los Angeles,  
2 California.

3 130. Defendant Hahn's Starmart, Inc. is a corporation organized and existing  
4 under the laws of the State of California and is doing business as "Shell Food Mart"  
5 with a business address of 504 W. Olympic Boulevard, Los Angeles, California.

6 131. Defendant Young Shin is an individual and, upon information and  
7 belief, is a resident of the State of California and is doing business as "Shin's Market"  
8 with a business address of 3701 W. 3rd Street, Los Angeles, California.

9 132. Defendant Blanca Guadalupe is an individual and, upon information and  
10 belief, is a resident of the State of California and is doing business as "South Central  
11 98 Cents Store" with a business address of 8514 S San Pedro, Los Angeles,  
12 California.

13 133. Defendant Sachi Takao is an individual and, upon information and  
14 belief, is a resident of the State of California and is doing business as "Star S Liquor"  
15 with a business address of 10264 Rosecrans, Bellflower, California.

16 134. Defendant Suzuki Takao is an individual and, upon information and  
17 belief, is a resident of the State of California and is doing business as "Star S Liquor"  
18 with a business address of 10264 Rosecrans, Bellflower, California.

19 135. Defendant Sun's Market is business organization whose form is  
20 presently unknown to Philip Morris USA. Sun's Market operates a retail  
21 establishment, open to the general public, at the corner of Martin Luther King, Los  
22 Angeles, California.

23 136. Defendant Calzada, Inc. is a corporation organized and existing under  
24 the laws of the State of California and is doing business as "Super Discount" with a  
25 business address of 3980 Olympic Boulevard, Los Angeles, California.

26 137. Defendant Francisco Mateoz is an individual and, upon information and  
27 belief, is a resident of the State of California and is doing business as "Suzanna's  
28

1 Mini Market” with a business address of 4715 Hooper Avenue, Los Angeles,  
2 California.

3 138. Defendant Nay Chau is an individual and, upon information and belief,  
4 is a resident of the State of California and is doing business as “Sweet O Donuts”  
5 with a business address of 401 S. Brookhurst Road, Fullerton, California.

6 139. Defendant Jeffrey Lam is an individual and, upon information and  
7 belief, is a resident of the State of California and is doing business as “Texaco  
8 Service Station” with a business address of 3648 Baldwin Park Boulevard, Baldwin  
9 Park, California.

10 140. Defendant Torres Meat Market is business organization whose form is  
11 presently unknown to Philip Morris USA. Torres Meat Market operates a retail  
12 establishment, open to the general public, at 4700 Imperial Highway, Los Angeles,  
13 California.

14 141. Defendant Snack Shop is business organization whose form is presently  
15 unknown to Philip Morris USA. Snack Shop operates a retail establishment, open to  
16 the general public, at 719 S. Los Angeles Street, Los Angeles, California.

17 142. Defendant Venus Food Market is business organization whose form is  
18 presently unknown to Philip Morris USA. Venus Food Market operates a retail  
19 establishment, open to the general public, at 3102 Eastern, Los Angeles, California.

20 143. Defendant Luis Ocon is an individual and, upon information and belief,  
21 is a resident of the State of California and is doing business as “Villa Guerrero  
22 Market” with a business address of 401 Rosecrans, Los Angeles, California.

23 144. Defendant Peter Chai is an individual and, upon information and belief,  
24 is a resident of the State of California and is doing business as “Western Donuts”  
25 with a business address of 355 Western Avenue #101, Los Angeles, California.

26 145. Defendant Ty Kim Tang is an individual and, upon information and  
27 belief, is a resident of the State of California and is doing business as “Youngs  
28

1 Market" with a business address of 6432 Paramount Boulevard, Long Beach,  
2 California.

3 146. Defendant Sun Cha Choe is an individual and, upon information and  
4 belief, is a resident of the State of California and is doing business as "77 Market"  
5 with a business address of 10041 Laurel Canyon, Pacoima, California.

6 147. Defendant Cun Liu is an individual and, upon information and belief, is  
7 a resident of the State of California and is doing business as "La Market" with a  
8 business address of 4101 Floral Dr., Long Beach, California.

9 148. Philip Morris USA does not know the true names and capacities of the  
10 Defendants sued herein as Does One through Ten inclusive, and therefore sues these  
11 Defendants by such fictitious names. Philip Morris USA will amend this Complaint  
12 to allege the true names and capacities of these Defendants when it ascertains the  
13 same.

14 **FACTS GIVING RISE TO THIS ACTION**

15 **A. THE SALE OF COUNTERFEIT CIGARETTES**

16 149. Philip Morris USA manufactures cigarettes, including the famous  
17 MARLBORO® brand, for sale in the United States. Retail establishments  
18 throughout the United States offer these cigarettes for sale to the adult public.

19 150. During January and February 2003, representatives of Philip Morris  
20 USA purchased two packs (20 cigarettes per pack) of cigarettes bearing the  
21 MARLBORO® and/or MARLBORO LIGHTS® marks, from each of the following  
22 retail establishments:

- 23 (1) Agui Market, 1883 Daly, Los Angeles, California (February 3,  
24 2003);
- 25 (2) Andy's Donuts, 10127 Avalon Street, Los Angeles, California  
26 (January 28, 2003);
- 27 (3) Arby Liquor, 5501 S. Central Avenue, Los Angeles, California  
28 (February 10, 2003);

- 1 (4) Avalon Market, 8322 Avalon Boulevard, Los Angeles, California  
2 (February 10, 2003);
- 3 (5) Bargain Liquor, 3300 E. 7th Street, Long Beach, California  
4 (February 11, 2003);
- 5 (6) 99 Best Store, 13010 Avalon, Los Angeles, California (January  
6 29, 2003);
- 7 (7) Big Saver Market, 2619 N. Figueroa Street, Los Angeles,  
8 California (February 3, 2003);
- 9 (8) Buy & Save, 1554 W. Sunset Boulevard, Lakewood, California  
10 (January 12, 2003);
- 11 (9) California Donuts, 801 S. Alvarado Street, Los Angeles,  
12 California (February 14, 2003);
- 13 (10) Carlos Market, 2906 Madison Street, Riverside, California  
14 (February 7, 2003);
- 15 (11) Carniceria Los Tapatios #2, 1451 W. 3rd Street, Los Angeles,  
16 California (January 21, 2003);
- 17 (12) Carniceria San Gabriel, 13124 Ramona Boulevard, Los Angeles,  
18 California (February 7, 2003);
- 19 (13) Casa Del Pueblo, 570 Mines Avenue, Los Angeles, California  
20 (February 3, 2003);
- 21 (14) Cecilias Market, 8201 Garfield, Los Angeles, California  
22 (February 1, 2003);
- 23 (15) Chapilandia Market, 4328 Tweedy Boulevard, South Gate,  
24 California (February 10, 2003);
- 25 (16) Chin's Market, 7902 Broadway Avenue, Los Angeles, California  
26 (January 28, 2003);
- 27 (17) Cisco Market, 7313 Seville Avenue, Huntington Park, California  
28 (February 10, 2003);
- (18) Cleaner Time Export, 16045 Sherman Way, Van Nuys,  
California (January 12, 2003);

- 1 (19) Corner Market, Corner of Valencia & 7th Street, Los Angeles,  
2 California (January 22, 2003);
- 3 (20) Cypress Drive In Dairy, 701 Cypress, Los Angeles, California  
4 (February 3, 2003);
- 5 (21) Dannys Donuts, 8935 Slauson Avenue # H, Pico Rivera,  
6 California (February 8, 2003);
- 7 (22) Discount Mini Market, 4016 S. San Pedro Street, Los Angeles,  
8 California (February 10, 2003);
- 9 (23) Donut Inn, 2644 W. Valley Boulevard, Alhambra, California  
10 (February 14, 2003);
- 11 (24) Donut King, 3611 Sixth Street, Los Angeles, California (January  
12 24, 2003);
- 13 (25) Donut Shop, 1930 3rd Street, Los Angeles, California (January  
14 22, 2003);
- 15 (26) Donut Shop, 1411 Echo Park Avenue, #105, Los Angeles,  
16 California (January 21, 2003);
- 17 (27) Donuts & Water Store, 7104 Compton Avenue, Los Angeles,  
18 California (January 29, 2003);
- 19 (28) Downtown Market, 231 E. 9th Street, Los Angeles, California  
20 (January 21, 2003);
- 21 (29) Echo Food Market, 1940 Echo Park Avenue, Los Angeles,  
22 California (January 21, 2003);
- 23 (30) El Principio Market #2, 2301 Maple Avenue, Los Angeles,  
24 California (February 10, 2003);
- 25 (31) El Ranchito Market, 2090 Pacific Coast Highway, Los Angeles,  
26 California (February 5, 2003);
- 27 (32) El Tapatio Markets, 6039 Florence, Los Angeles, California  
28 (January 31, 2003);
- (33) Elvas Market, 1320 Pleasant Avenue, Los Angeles, California  
(January 24, 2003);

- 1 (34) Elwin Market, 13100 Ramona Boulevard, Los Angeles,  
2 California (February 7, 2003);
- 3 (35) Emilios Discount, 2935 W. Beverly Boulevard, Los Angeles,  
4 California (February 14, 2003);
- 5 (36) Ensenada Market & Bakery, 625 Wilmington Boulevard, Los  
6 Angeles, California (January 31, 2003);
- 7 (37) Everyday Swapmeet Price, 470 E. 4th Street, Perris, California  
8 (February 7, 2003);
- 9 (38) Expo Mini Market, 3781 S Western Avenue, Los Angeles,  
10 California (February 17, 2003);
- 11 (39) Family Market, 3705 Third Street, Los Angeles, California  
12 (January 24, 2003);
- 13 (40) Fiesta Discount, 1724 Sunset Boulevard, Los Angeles, California  
14 (January 12, 2003);
- 15 (41) Fiesta Food Wholesale, 16950 Foothill, Fontana, California  
16 (February 8, 2003);
- 17 (42) Garcia's Mini-Market, 6219 Main Street, Los Angeles, California  
18 (January 28, 2003);
- 19 (43) Garfield Liquor Store, 8045 Garfield, Los Angeles, California  
20 (February 1, 2003);
- 21 (44) Gary's Liquor Store, 5067 Melrose Avenue, Los Angeles,  
22 California (January 23, 2003);
- 23 (45) Golden Donuts and Croissants, 6025 Rosemead Boulevard, Los  
24 Angeles, California (February 1, 2003);
- 25 (46) Granny's Donut, 14210 Bellflower Boulevard, Los Angeles,  
26 California (January 31, 2003);
- 27 (47) Guadalajara Meat Market, 6347 Santa Fe Avenue, Huntington  
28 Park, California (February 10, 2003);
- (48) Guerrero Market, 1238 8th Street, Los Angeles, California  
(January 21, 2003);

- 1 (49) Gumbo Discount Super Mark, Vernon & Morgan, Los Angeles,  
2 California (February 6, 2003);
- 3 (50) H & H Liquor, 7350 E. Alondra Boulevard, Paramount,  
4 California (February 7, 2003);
- 5 (51) Hollyfood Mart, 500b San Pedro, Los Angeles, California  
6 (January 21, 2003);
- 7 (52) Jae's Market, 2484 W. Pico Boulevard, Los Angeles, California  
8 (January 23, 2003);
- 9 (53) Jeanetes Mini Market, 2538 W. Pico Boulevard, Los Angeles,  
10 California (January 11, 2003);
- 11 (54) Jemps Burger, 833 Hill Street, Los Angeles, California (February  
12 10, 2003);
- 13 (55) JK Liquor Store, 8143 Telegraph Road, Pico Rivera, California  
14 (February 1, 2003);
- 15 (56) John's Donuts & Ice Cream, 23401 Main Street, Los Angeles,  
16 California (January 30, 2003);
- 17 (57) Jubilee Donuts, 4205 Beverly Boulevard, Los Angeles, California  
18 (February 21, 2003);
- 19 (58) K&C Donut, 3500 Sunset Boulevard, Los Angeles, California  
20 (January 21, 2003);
- 21 (59) Kim and Chung Market, 3610 Firestone Boulevard, South Gate,  
22 California (February 10, 2003);
- 23 (60) K's Market, 7829 Eastern Avenue, Bell Gardens, California  
24 (February 9, 2003);
- 25 (61) L A Meat Market, 4826 S. Central Avenue, Los Angeles,  
26 California (January 18, 2003);
- 27 (62) La Baratita, 109 Vermont Avenue, Los Angeles, California  
28 (January 24, 2003);
- (63) La Chiquita, 1000 W. Main Street, Santa Maria, California  
(January 17, 2003);

- 1 (64) La Fiesta Market, 1905 N. Thomas Street, Los Angeles,  
2 California (February 3, 2003);
- 3 (65) La Fonomica Carniceria, 1429-1/2 3rd Street, Los Angeles,  
4 California (January 21, 2003);
- 5 (66) La Princesita Market, 2426 E. 4th Street, Los Angeles, California  
6 (January 23, 2003);
- 7 (67) Lanza Bros Market, 1803 N. Main, Los Angeles, California  
8 (February 3, 2003);
- 9 (68) Lily Market, 4016 E. 1st Street, Los Angeles, California  
10 (February 7, 2003);
- 11 (69) Liquor Store, 614 El Segundo, Los Angeles, California (February  
12 5, 2003);
- 13 (70) Loris Market, 8422 State Street, South Gate, California (February  
14 10, 2003);
- 15 (71) Los Amigos Market, 1163 Wilmington Boulevard, Los Angeles,  
16 California (January 31, 2003);
- 17 (72) Los Amigos Market, 4417 Merced Avenue, Los Angeles,  
18 California (February 3, 2003);
- 19 (73) Los Tres Gallos, 6266 Holmes Avenue, Los Angeles, California  
20 (January 29, 2003);
- 21 (74) Louies Jr Market, 8900 S. Compton Avenue, Los Angeles,  
22 California (February 10, 2003);
- 23 (75) Lupita's Mini Market, 4077 S. Main Street, Los Angeles,  
24 California (January 15, 2003);
- 25 (76) Malery, 11720 Wilmington Avenue, Los Angeles, California  
26 (February 10, 2003);
- 27 (77) Market Nuevo Mundo, 1735 7th Street, Los Angeles, California  
28 (January 21, 2003);
- (78) Marys 99 Cents Store, 2400 7th Street, Los Angeles, California  
(January 21, 2003);

- 1 (79) May-Vern Liquor, 3931 52nd Street, Los Angeles, California  
2 (February 1, 2003);
- 3 (80) Meadow Maid Mart, 808 N. State, Los Angeles, California  
4 (February 3, 2003);
- 5 (81) Melvine Grocery Market, 5770 Melrose Avenue #104, Los  
6 Angeles, California (January 23, 2003);
- 7 (82) Mendoza Produce Truck, 7000 Block of 81st Street, Los Angeles,  
8 California (February 6, 2003);
- 9 (83) Mercado Central, 6025 Maywood, Los Angeles, California  
10 (February 6, 2003);
- 11 (84) Mercado De Pueblo Market, 12760 Ramona Boulevard, Los  
12 Angeles, California (February 7, 2003);
- 13 (85) Mercado Jalisco, 24258 San Fernando Road, Newhall, California  
14 (February 9, 2003);
- 15 (86) Metro Station, Lankershim & Chandler, North Hollywood,  
16 California (February 12, 2003);
- 17 (87) Miguelito's Party Supply Gift, 4218 S. Vermont Avenue, Los  
18 Angeles, California (January 16, 2003);
- 19 (88) Milkman Market, 4025 Beverly Boulevard, Los Angeles,  
20 California (February 21, 2003);
- 21 (89) Mini Market, 2910 S. San Pedro Street, Los Angeles, California  
22 (February 10, 2003);
- 23 (90) Modern Food Market, 601 Anaheim Street, Los Angeles,  
24 California (January 31, 2003);
- 25 (91) Mokta Mini Market, 3087 W. Pico Boulevard, Los Angeles,  
26 California (February 15, 2003);
- 27 (92) New York Donuts, 3101b Beverly Boulevard, Los Angeles,  
28 California (January 22, 2003);
- (93) Occidental Liquor Store, 2755 Beverly Boulevard, Los Angeles,  
California (January 22, 2003);

- (94) Orlando Market, 9200 Avalon Boulevard, Los Angeles, California (February 10, 2003);
- (95) Philip Cigarettes, 410 N. Harbor Boulevard, Los Angeles, California (February 4, 2003);
- (96) PK Donuts and Ice Cream, 2609 Sunset Boulevard, Los Angeles, California (January 21, 2003);
- (97) Plaza Liquor, 1546 W. Carson Street, Torrance, California (February 13, 2003);
- (98) PM Liquor Market, 2856 Sunset Boulevard, Los Angeles, California (January 21, 2003);
- (99) Price Saver Gas, 1106 Anaheim Street, Los Angeles, California (January 31, 2003);
- (100) Ramona Donuts, 3959 Wilshire Boulevard #B-1, Los Angeles, California (January 23, 2003);
- (101) Roy's Market, 6127 Main Street, Los Angeles, California (January 28, 2003);
- (102) Salgados Little Kitchen, 5061 Alhambra Boulevard, Los Angeles, California (February 5, 2003);
- (103) Sal's Deli and Market Corp., 21070 Beach Boulevard, Huntington Beach, California (February 15, 2003);
- (104) Samaritana Mini Market, 8330 Compton Avenue, Los Angeles, California (January 29, 2003);
- (105) San Juan Meat Market, 1248 Temple Street, Los Angeles, California (January 22, 2003);
- (106) Save Penny Mart, 1252 Temple Street, Los Angeles, California (January 22, 2003);
- (107) Shell Food Mart, 504 W. Olympic Boulevard, Los Angeles, California (January 22, 2003);
- (108) Shin's Market, 3701 W. 3rd Street, Los Angeles, California (February 21, 2003);

- 1 (109) South Central 98 Cents Store, 8514 S San Pedro, Los Angeles,  
2 California (February 10, 2003);
- 3 (110) Star S Liquor, 10264 Rosecrans, Bellflower, California (January  
4 31, 2003);
- 5 (111) Sun's Market, Corner of Martin Luther King, Los Angeles,  
6 California (February 5, 2003);
- 7 (112) Super Discount, 3980 Olympic Boulevard, Los Angeles,  
8 California (January 23, 2003);
- 9 (113) Suzanna's Mini Market, 4715 Hooper Avenue, Los Angeles,  
10 California (February 10, 2003);
- 11 (114) Sweet O Donuts, 401 S. Brookhurst Road, Fullerton, California  
12 (February 18, 2003);
- 13 (115) Texaco Service Station, 3648 Baldwin Park Boulevard, Baldwin  
14 Park, California (February 7, 2003);
- 15 (116) Torres Meat Market, 4700 Imperial Highway, Los Angeles,  
16 California (February 7, 2003);
- 17 (117) Snack Shop, 719 S. Los Angeles Street, Los Angeles, California  
18 (January 21, 2003);
- 19 (118) Venus Food Market, 3102 Eastern, Los Angeles, California  
20 (February 5, 2003);
- 21 (119) Villa Guerrero Market, 401 Rosecrans, Los Angeles, California  
22 (February 5, 2003);
- 23 (120) Western Donuts, 355 Western Avenue #101, Los Angeles,  
24 California (February 21, 2003);
- 25 (121) Youngs Market, 6432 Paramount Boulevard, Long Beach, California  
26 (February 12, 2003);
- 27 (122) 77 Market, 10041 Laurel Canyon, Pacoima, California (February 7,  
28 2003); and
- (123) La Market, 4101 Floral Dr., Los Angeles, California (February 7, 2003).

151. The Philip Morris USA representatives delivered the purchased packs of cigarettes to a Philip Morris USA testing facility. Philip Morris USA then performed a series of proprietary tests and conclusively identified as counterfeit one or more of the packs purchased from each listed retail establishment.

**B. The Likelihood Of Confusion And Injury Caused By Defendants' Actions**

152. The counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes are not the same or of the same quality as those manufactured and sold by Philip Morris USA under the same brand name. As such, consumers who purchase the counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes likely will be confused and/or disappointed by the differences between the counterfeit cigarettes and the genuine MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes. In addition, the sale of counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes is likely to cause confusion among consumers regarding Philip Morris USA's sponsorship or approval of the counterfeit cigarettes. As a result of Defendants' actions, Philip Morris USA is suffering a loss of the enormous goodwill Philip Morris USA created in its MARLBORO® products and is losing profits from lost sales of genuine products.

**C. THE INFRINGED TRADEMARKS**

153. Philip Morris USA is the United States owner of the famous Marlboro Marks under which the MARLBORO® cigarettes are sold and are among the most valuable trademarks in the world. The "Marlboro Marks" include, without limitation, MARLBORO®, MARLBORO LIGHTS®, MARLBORO® MENTHOL, MARLBORO LIGHTS® MENTHOL and MARLBORO® ULTRA LIGHTS. Philip Morris USA has invested substantial time, effort and money in advertising and promoting the Marlboro Marks throughout the United States. The vast majority of MARLBORO® advertising and promotional activities display the Roof Design label mark and/or a MARLBORO® word mark. As a result, the Marlboro Marks are

1 reportedly among the most widely recognized trademarks in the United States, and  
 2 Philip Morris USA has developed significant goodwill in these marks.

3 154. Philip Morris USA is the registered owner of the following trademarks  
 4 on the Principal Register of the United States Patent and Trademark Office  
 5 ("USPTO"), all of which are valid, subsisting and incontestable pursuant to 15  
 6 U.S.C. § 1065:

Registration Number	Registration Date	Trademark
68,502	April 14, 1908	MARLBORO
938,510	July 25, 1972	MARLBORO Red Label
1,039,412	May 11, 1976	MARLBORO LIGHTS
1,039,413	May 11, 1976	MARLBORO LIGHTS Label
1,544,782	June 20, 1989	MARLBORO LIGHTS MENTHOL Label
1,651,628	July 23, 1991	MARLBORO ULTRA LIGHTS Label

19 True and correct copies of these registration certificates and/or computer printouts  
 20 from the records of the USPTO are attached hereto as Exhibits A through F.

21 155. Defendants threaten to continue to do the acts complained of herein, and  
 22 unless restrained and enjoined, will continue to do so, all to Philip Morris USA's  
 23 irreparable damage.

#### 24 **FIRST CLAIM FOR RELIEF**

25 (For Infringement of Registered Trademarks in Violation of Section 32 of the  
 26 Lanham Act, 15 U.S.C. § 1114(1))

27 156. Philip Morris USA specifically realleges and incorporates herein by  
 28 reference each and every allegation contained in Paragraphs 1 through 156 hereof.

157. The acts of Defendants alleged herein constitute the use in commerce, without the consent of Philip Morris USA, of a reproduction, counterfeit, copy or colorable imitation of one or more of the Marlboro Marks in connection with the sale, offering for sale, distribution, or advertising of goods, which use is likely to cause confusion or mistake, or to deceive consumers and therefore infringe Philip Morris USA's rights in one or more of the Marlboro Marks, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. Section 1114(1).

158. Philip Morris USA has no adequate remedy at law for the foregoing wrongful conduct. Philip Morris USA has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

### **SECOND CLAIM FOR RELIEF**

(For False Designation of Origin and Trademark and Trade Dress Infringement in Violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A))

159. Philip Morris USA specifically realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 156 hereof.

160. The acts of Defendants alleged herein constitute the use in interstate commerce of a word, term, name, symbol, or device, or any combination thereof, or false designation of origin, in connection with the sale, or offering for sale, of goods in violation of section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A). These acts of Defendants are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Defendants with Philip Morris USA, or as to the origin, sponsorship or approval of counterfeit cigarettes by Philip Morris USA.

161. Philip Morris USA has no adequate remedy at law for the foregoing wrongful conduct. Philip Morris USA has been, and absent injunctive relief will continue to be, irreparably harmed by Defendants' actions.

### **THIRD CLAIM FOR RELIEF**

(For Unfair Competition in Violation of California State Common Law)

1 162. Philip Morris USA specifically realleges and incorporates herein by  
2 reference each and every allegation contained in paragraphs 1 through 156 hereof.

3 163. Defendants' conduct, as alleged above, constitutes unfair competition  
4 under California State common law. Defendants' acts have resulted in the "passing  
5 off" of Defendants' products as those of Philip Morris USA, or as somehow related  
6 or associated with, or sponsored or endorsed by, Philip Morris USA.

7 164. Philip Morris USA has no adequate remedy at law for the foregoing  
8 wrongful conduct. Philip Morris USA has been, and absent injunctive relief will  
9 continue to be, irreparably harmed by Defendants' actions.

#### 10 **FOURTH CLAIM FOR RELIEF**

11 (Unfair Competition in Violation of Cal. Bus. & Prof. Code §§ 17200 et seq.)

12 165. Philip Morris USA specifically realleges and incorporates herein by  
13 reference each and every allegation contained in paragraphs 1 through 156 hereof.

14 166. Defendants' conduct, as alleged above, constitutes unfair competition in  
15 violation of California Business and Professions Code Sections 17200 *et seq.*

16 167. Philip Morris USA has no adequate remedy at law for the foregoing  
17 wrongful conduct. Philip Morris USA has been, and absent injunctive relief will  
18 continue to be, irreparably harmed by Defendants' actions.

19 WHEREFORE, Plaintiff Philip Morris USA Incorporated prays for judgment  
20 as follows:

21 A. For judgment that:

- 22 (i) Defendants have violated Section 32 of the Lanham Act, 15  
U.S.C. § 1114;
- 23 (ii) Defendants have violated Section 43(a) of the Lanham Act, 15  
24 U.S.C. § 1125(a);
- 25 (iii) Defendants engaged in unfair competition in violation of the  
common law of the State of California; and
- 26 (iv) Defendants engaged in unfair competition in violation of the  
27 California Unfair Competition Law, Cal. Bus. & Prof. Code  
28 §§ 17200 et seq.

1           B.     For an injunction restraining and enjoining Defendants and their  
2 divisions, subsidiaries, officers, agents, employees and attorneys, and all those  
3 persons in active concert or participation with them who receive actual notice of the  
4 order by personal service or otherwise, from (i) purchasing, distributing, selling, or  
5 offering for sale, counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand  
6 cigarettes; or (ii) using the Marlboro Marks or trademarks confusingly similar  
7 therewith or the MARLBORO® and/or MARLBORO LIGHTS® trade dress or trade  
8 dress confusingly similar therewith with the exception of the sale and, offering for  
9 sale of genuine MARLBORO® and/or MARLBORO LIGHTS® cigarettes.

10           C.     For an order (i) requiring Defendants to account for and pay over to  
11 Philip Morris USA all of Defendants' profits derived from their unlawful conduct, to  
12 the full extent provided for by Section 35(a) of the Lanham Act, 15 U.S.C. Section  
13 1117(a); (ii) as an alternative to awarding profits under Sections 35(a), awarding  
14 Philip Morris USA statutory damages as provided for by Section 35(c) of the  
15 Lanham Act, 15 U.S.C. § 1117(c); and awarding Philip Morris general and special  
16 damages to the full extent provided for by the common law of the State of California.

17           D.     For costs of suit, and for such other and further relief as the Court shall  
18 deem appropriate.

19  
20 DATED: April 21, 2003

HELLER EHRMAN WHITE & McAULIFFE LLP

21  
22  
23 By Carlos Solis  
24 CARLOS SOLIS

25 Attorneys for Plaintiff  
26 PHILIP MORRIS USA INC.  
27  
28

1 Additional counsel for Plaintiff  
2 PHILIP MORRIS USA INC.:

3 Warren J. Rheaume (*pro hac vice* application pending)  
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TRADE-MARK.

No. 58,502.

REGISTERED APR. 14, 1908.

PHILIP MORRIS & CO., LTD.

CIGARETTES.

APPLICATION FILED OCT. 17, 1907.

MARLBORO

*Proprietor*

*Philip Morris & Co. Ltd.*

*By Arthur J. Sack*

*Attorney*



Thank you for your [REDACTED] - Here are the latest results from TARR web server

This page was generated by the TARR system on 09/03/2002 12:30:34 ET

Serial Number: 71030646

Registration Number: 68502

Mark

# Marlboro

(words only): MARLBORO

Current Status: This registration has been renewed.

Date of Status: 1988-11-07

Filing Date: 1907-10-17

Registration Date: 1908-04-14

Law Office Assigned: Unknown

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at Trademark Assistance Center,  
mailto:TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Unknown

Date In Location: 2001-10-18

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## CURRENT APPLICANT(S)/OWNER(S)

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1. PHILIP MORRIS INCORPORATED

Address:

PHILIP MORRIS INCORPORATED

100 PARK AVENUE

NEW YORK, NY 10017

United States

State or Country of Incorporation: Virginia

Legal Entity Type: Corporation

<http://tarr.uspto.gov/service/tarr?regser=registration&entry=0068502&action=Request-Status/next> S...

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GOODS AND/OR SERVICES

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CIGARETTES

U.S. Class: 017 (International Class 034)

First Use Date: 18830000

First Use in Commerce Date: 18830000

Basis: 1(a)

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ADDITIONAL INFORMATION

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(NOT AVAILABLE)

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PROSECUTION HISTORY

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1988-04-14 - Registration renewed - 20 year

1988-04-08 - Section 9 filed/check record for Section 8

1968-04-14 - Registration renewed - 20 year

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CONTACT INFORMATION

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Correspondent (Owner)

ROBERT J. ECK

PHILIP MORRIS INCORPORATED

100 PARK AVENUE

NEW YORK, NY 10017

United States

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United States Patent Office

938,510

Registered July 25, 1972

PRINCIPAL REGISTER  
Trademark

Ser. No. 387,384, filed Mar. 30, 1971



Philip Morris Incorporated (Virginia corporation)  
100 Park Ave.  
New York, N.Y. 10017

For CIGARETTES in CLASS 17 (INT. CL. 14).  
First use (1931); in commerce (1937).  
Applicant disclaims the words "Filter Cigarettes" apart  
from the mark as shown.  
The drawing is filed to indicate the colors red and gold  
and these colors are used and claimed as a feature of the  
mark.  
Owner of Reg. Nos. 581,002, 814,007, and others.



Int. CL: 34

Prior U.S. CL: 17

United States Patent Office

Reg. No. 1,039,412

Registered May 11, 1976

TRADEMARK

Principal Register

MARLBORO LIGHTS

Philip Morris Incorporated (Virginia corporation)  
100 Park Ave.  
New York, N.Y. 10017

For CIGARETTES in CLASS 17 (INT. CL. 14).  
First use Aug. 11, 1971; in commerce Aug. 11, 1971.  
The word "Light" is expressly disclaimed apart from  
the mark in its entirety.  
Owner of Reg. Nos. 61,502, 671,042, and others.  
Ser. No. 401,870, filed Sept. 2, 1971.



Int. CL: 34

Prior U.S. CL: 17

United States Patent Office

Reg. No. 1,039,413  
Registered May 11, 1976

TRADEMARK  
Principal Register



Philip Morris Incorporated (Virginia corporation)  
100 Park Ave.  
New York, N.Y. 10017

For: CIGARETTES, in CLASS 17 (INT. CL. 34).  
First use not later than Sept. 2, 1971; in commerce not  
later than Sept. 2, 1971.  
The word "Lighter" is expressly disclaimed apart from  
the mark in its entirety.  
The words "Veni-Vidi-Vici" are Latin and mean "I  
came, I saw, I conquered."  
Owner of Reg. Nos. 68,102, 760,333, and others.  
Ser. No. 430,002, filed July 17, 1972.



Int. CL: 34

Prior U.S. CL: 17

United States Patent and Trademark Office

Reg. No. 1,544,782

Registered June 20, 1989

TRADEMARK  
PRINCIPAL REGISTER



PHILIP MORRIS INCORPORATED (VERGINIA  
CORPORATION)  
100 PARK AVENUE  
NEW YORK, NY 10017

FOR CIGARETTES IN CLASS 4 (U.S. CL.  
17).

FIRST USE 1-1-1967; IN COMMERCE  
1-1-1967.

OWNER OF U.S. REG. NOS. 682,212, 1,129,774  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "LIGHTS", "MENTHOL" AND  
"INC", APART FROM THE MARK AS SHOWN.

THE LINING IN THE DRAWING REPRESENTS THE COLOR GREEN. THE WORD "MENTHOL" IS IN GREEN AND THE CREST IS IN GOLD WITH THE INNER OVAL PORTION IN RED AND COLOR IS CLAIMED AS A FEATURE OF THE MARK.

THE DOTTED LINES ON THE DRAWING ARE NOT PART OF THE MARK AND SERVE ONLY TO SHOW THE POSITION OF THE MARK ON THE GOODS.

SER. NO. 689,942 FILED 10-16-1967.

ROGER KATZ EXAMINING ATTORNEY



Int. CL: 34

Prior U.S. CL: 17

United States Patent and Trademark Office

Reg. No. 1,651,628

Registered July 13, 1991

TRADEMARK  
PRINCIPAL REGISTER



PHILIP MORRIS INCORPORATED (VIRGINIA  
CORPORATION)  
100 PARK AVENUE  
NEW YORK, NY 10017

FOR CIGARETTES IN CLASS 34 (U.S. CL.  
17).

FIRST USE 10-2-1989; IN COMMERCE  
10-2-1989.

OWNER OF U.S. REG. NOS. 61502, 1,544,702  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "ULTRA LIGHTS", APART  
FROM THE MARK AS SHOWN.

THE DRAWING IS LINED FOR THE COLOR  
SILVER.

THE ENTIRE CREST DESIGN IS GOLD  
WITH THE EXCEPTION OF THE INNER  
CIRCLE WHICH IS RED WHEREIN THE  
WORD PM INC. APPEARS. PM INC. AND THE  
LATIN WORDS VENT VIDI VICI ARE WHITE.  
THE DOTTED LINES SURROUNDING THE  
MARK ARE USED TO SHOW THE POSITION  
OF THE MARK ON THE GOODS, AND NO  
CLAIM IS MADE THERE TO.

THE ENGLISH TRANSLATION OF THE  
WORDS "VENT VIDI VICI" IN THE MARK IS  
"I CAME, I SAW, I CONQUERED."

SER. NO. 74-075,799, FILED 7-2-1990.

LISA L. KNIGHT, EXAMINING ATTORNEY